

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E  
FEB 07 2005 JC5035  
PATENT & TRADEMARK OFFICE  
In re application of: ) Examiner: Turner, Sharon L.  
Kevin P. BAKER, et al. )  
Application Serial No. 10/015,388 ) Art Unit: 1647  
Filed: December 12, 2001 ) Confirmation No: 9957  
For: SECRETED AND ) Attorney's Docket No. 39780-2830 P1C44  
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INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

**MAIL STOP AMENDMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form Supplemental PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --

(2) It is being filed within 3 months of entry of a national stage  
-- OR --

(3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --

(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

a certification as specified in §1.97(e) is provided below; or

a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

*Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2830 P1C44).

Respectfully submitted,

Dated: February 7, 2005  
By:   
Anna L. Barry (Reg. No. 51,436)

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Form PTO-1449 <b>INFORMATION DISCLOSURE STATEMENT</b> <i>Use several sheets if necessary</i>				Attorney's Docket No. 39780-2830 P1C44	Application Serial No. 10/015,388		
				Applicant(s) Kevin P. BAKER, et al.			
				Filing Date: December 12, 2001	Group Art Unit: 1647		
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation
							YES      NO
<b>OTHER DOCUMENTS</b> <i>(including author, title, date, pertinent pages, etc.)</i>							
Examiner Initials	Ref. No.	Title					
	1.	Hanna, J.S., et al., "HER-2/neu Breast Cancer Predictive Testing", Oathology Associates Medical Laboratories - (1999).					
	2.	Hyman, E., et al., "Impact of DNA Amplification on Gene Expression Patterns in Breast Cancer <sup>1,2</sup> ", Cancer Research - 62:6240-6245 (2002)					
	3.	Orntoft, T.F., et al., "Genome-wide Study of Gene Copy Numbers, Transcripts, and Protein Levels in Pairs of Non-Invasive and Invasive Human Transitional Cell Carcinomas", Molecular & Cellular Proteomics - 1:37-45 (2002)					
	4.	Pollack, J.R., et al., "Microarray Analysis Reveals a Major Direct Role of DNA Copy Number Alteration in the Transcriptional Program of Human Breast Tumors", PNAS - 99(20):12963-12968 (2002)					

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).